REMARKS

The Examiner has objected to Applicant's Specification under 37 C.F.R. 112, first paragraph, stating that the specification does not provide support for the invention as now claimed, in that the use of "M(OH)" as disclosed in the amended claims 11 and 19 is not defined. Applicant has further amended claims 11 and 19 to reflect that a clerical/typographical error was made in amending claims 11 and 19 and that "M(OH) was intended to read "Me(OH)" as originally provided in these claims and as in the specification.

The Examiner has objected to the specification under 37 CFR 1.71 for failing to provide an adequate written description of the invention as stated on page 15 at lines 10, 12 and elsewhere in the specification, because according to the Examiner "Me can not be defined as an alkali metal since Me(OH) is methanol and the methyl group is not belong to the alkali metal group". The Examiner made this same objection in the first office action. In response to that first office action, Applicant respectfully requested that the Examiner reconsider his position because Me(OH) is typically defined as a metal hydroxide in patent literature. The use of Me to represent Group I and Group II metal salts is customary. Contrary to the Examiner's statement, Me is **not** customarily used to represent a methyl group or methanol when combined with OH. Applicant respectfully requested the Examiner to review the following examples of United States patents which have used "Me" in the manner as Applicant: 4,701,221 to Brunn et al., at col. 3, line 33; 4,566,975 to Allgulin at col. 1, lines 14-24; 5,248,818 to Werle et al, at col. 1, lines 51-55; 4,039,649 to Alagy et al., at col.9, line – col.10, line 70; and 5,558,706 to Sinko at col.2, lines 39-43. The patent cited by the Examiner in rejecting Applicant's claims, Canadian patent no. 2,285,308, uses "Me" to represent sodium hydroxide on page 2 and throughout the description and claims.

Applicant respectfully submits that the Examiner did not address this information provided by Applicant. Rather, the Examiner focused on Applicant's argument that if the Examiner were correct, Applicant is entitled under patent law to be his "own lexicographer" and thus can use essentially any term he desires to mean essentially anything he desires so long as the term is defined in the specification. *Loctite Corp. v. Ultraseal Ltd.*, 781 F.2d 861, 228 U.S.P.Q. 90 (Fed. Cir. 1985); *Rohm & Haas Co. v.*

Dawson Chemical Co., Inc., 557 F. Supp. 739, 217 U.S.P.Q. 515, 573 (Tex. 1983). The Examiner has maintained that this rule does not apply to this application because the Examiner considers Me(OH) to be a standard abbreviation for methanol. Applicant respectfully traverses this position in light of the numerous references cited by Applicant showing Me(OH) to have the meaning attributed to it by the Applicant.

Applicant disagrees that Me(OH) must mean methanol for the reasons stated above and again requests the Examiner to review the patents cited by Applicant which use "Me" in the manner of Applicant. Furthermore, Applicant respectfully requests the Examiner to address the use of "Me(OH)" in the reference that the Examiner has cited against Applicant's claims, Canadian 2,285,308. If that reference uses "Me(OH)" to refer to methanol as the Examiner contends, then Applicant respectfully submits that the Examiner's arguments concerning that reference are misplaced and nonsensical.

Applicant continues to respectfully submit that the meaning of Me in the specification is clear and accurate. Applicant specifically defines (MeOH) in his specification at page 3, line 18 to mean alkali metal hydroxide.

The Examiner has rejected claims 11, 15, 19, and 23 under 35 U.S.C. 112, first paragraph, for the same reasons he objected to the specification. Applicant respectfully refers the Examiner to his response above concerning the Examiner's 112 rejections concerning the specification for response to the Examiner's rejections of the claims under 35 U.S.C. 112.

Further, Applicant traverses the Examiner's rejections related to Applicant's use of "Me" and Applicant requests the Examiner reconsider his position in light of the number of patents that Applicant has cited to the Examiner which use "Me" in the manner that Applicant uses "Me" -- to represent Group I and Group II metal salts -- and not to stand for "methyl" or for "methanol" when written with "OH" as stated by the Examiner.

The Examiner has also rejected claims 1, 6-11, 15, 19, 23, and 27 under 35 U.S.C. 103(a) as being unpatentable over CA 2,285,308. Specifically, the Examiner has stated that this Canadian reference discloses that "iminodisuccinic acid alkaline salts can be prepared by reacting maleic acid anhydride, alkaline metal hydroxide, NH3 and water with a specific ratio under cited conditions." The Examiner states further that the

Canadian reference differs from Applicant's claims in that the Canadian reference "does not disclose the claimed formulae nor the steps of the process in the method for making a modified iminodisuccinimic acid." However, the Examiner adds that the Canadian reference "does disclose similar reactants under steps of the process to form the same or similar products."

Further, the Examiner states that Applicant's arguments in response to the first office action were based on different steps of the processes to form a different product, a chelating composition comprising a modified iminodisuccinic acid or a salt thereof. However, the Examiner states that claim 1 is the claimed composition requiring a variety of formulas and does not claim specific steps. In the Examiner's view, the composition has been produced by the claimed method 6, 11, 15, 19, 23, and 27. Any references using any claimed methods and the same conditions inherently have the claimed formulas according to the Examiner and can be used in a chelating composition. The Examiner states that CA 2,285,308 discloses the required reactants and the steps of the process as in claimed method 19. Therefore, the Examiner views the claimed formula to be inherent in the prior art unless Applicant provides evidence that they are different.

Applicant traverses the Examiner's rejections based on CA 2,285,308. That Canadian reference discloses methods for producing the D-L isomers of iminodisuccinate, NOT the same or similar products as Applicant's. Moreover, the steps taught by CA 2,285,308 are not the same as steps taught by Applicant. Applicant refers the Examiner to his discussion at pages 14-17 of his specification and asks the Examiner to compare this discussion to CA 2,285,308 at pages 3-7, for example. Applicant has amended claims 1, 6, 15, 19, 23, and 27 to provide further clarification. Support for the amendments may be found on page 16 of Applicant's specification at lines 3-9.

Applicant provided further discussion distinguishing CA 2,285,308 in response to the first office action. That discussion is incorporated herein by reference and the Examiner is respectfully asked to reconsider it in view of the amendments to the claims.

Applicant respectfully submits that the claims as amended are now in condition for allowance and Applicant respectfully requests the Examiner to enter the amendments and to allow the application to proceed to issue.

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Respectfully submitted,

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